

The attached sheet of drawings replaces the original sheet of drawings included in the original application. The only changes made to this new set of drawings is the cancellation of some drawing and resulting changes in FIG numbers in the remaining drawings. As a result no annotated sheet of drawings is attached.

Attachment:

Replacements sheets (3):

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### REMARKS/ARGUMENTS

Claims 1, 2, 5, 9, 11-13, 16, 17, 20, 23, 25-27, 30, and 31 are pending in this application. Claims 4, 6-8, 10, 14, 15, 19, 21, 22, 24, 28, 29, 32, and 33 are cancelled in response to the Examiner's final restriction requirement.

Claims 1-3, 5, 11, 12, 16-18, 20, 25, 26, 30 and 31 stand rejected under 35 U.S.C. 102(b) as being anticipated by Farmwald et al (United States Patent 2,816,608). Applicant respectfully traverses this rejection based on the following discussion:

Regarding claims 1 and 16, Farmwald et al shows a gap (area between 30 and 31 in FIG 1) but this does not anticipate the slot of the claimed invention. The gap of Farmwald et al must be large enough to allow for the removal of punch 30 and its matching die 31 so that those tools could be

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replaced with another set of matching punch and die. Farmwald et al specifically provides for such removal and replacement by supplying a setscrew 36 to hold the punch 30 and a bore 35 to be used to help remove the punch 30 if it is stuck. The large gap required by Farmwald et al cannot act as the slot of the invention, which is designed to "accept and restrain said sheet of said material". Additionally the gap of Farmwald et al while large as shown in the figures is not fixed and in fact, is reduced to less than zero when the apparatus of Farmwald is activated and used as designed. The slot of the invention is fixed in size since it is part of the frame of the invention.

As noted above, a key element of Farmwald et al is the removal and replacement of the punch 30 and die 31. The invention permanently holds the punch (moveable cutting die) within the housing of the invention along with permanently holding the die (corresponding hole). Farmwald et al cannot anticipate a punching tool with fixed punch and die elements. Such a configuration would not be economically feasible in a complex apparatus such as Farmwald et al.

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Regarding claims 2 and 17, Farmwald et al shows the punch 30 as a cylinder, but that is not the cutting surface which is not numbered in Farmwald et al, but is illustrated in FIG 4 of Farmwald et al at the tip of the punch 30 as a straight line at an angle to surface of the material to be punched.

Regarding claims 5 and 20, Farmwald et al discloses an internally threaded piece of hardware (a nut) that acts as the adjustable stop while the invention discloses an externally threaded piece of hardware (screw) as the adjustable stop. A review of the design of Farmwald et al shows that it would not be possible to use an externally threaded piece of hardware to act as the stop for Farmwald et al.

Regarding claims 11 and 25 while Farmwald et al disclose a frame (1, 5, 6, 10) that holds and aligns the cutting punch 30 and the die 31, there is no disclosure of a housing in Farmwald et al. The invention has a frame that constrains and aligns the cutting die to the corresponding hole along with a housing that covers that frame. The housing of the invention is to improve the appearance of the invention, which is expected to be a consumer item.

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Such a housing would eliminate one of the key elements of Farmwald et al, which is the ability to change the punch 30 and the die 31. There is no suggestion of a housing in the description or drawings of Farmwald et al, which is a product designed for industrial use.

Regarding claims 12 and 26, the invention shows that the portion of the adjustable apparatus that is fabricated as a part of the housing is designed to accept the externally threaded stop of the invention where that stop is a separate piece of hardware that can easily be removed from the adjustable apparatus that is part of the housing. Farmwald et al incorporate their entire adjustable stop in the frame since there is no housing shown or suggested in Farmwald et al so that once that tool is assembled; there are no separate parts of the adjustable apparatus.

Regarding claim 30 and 31, the adjustable apparatus 48 of Farmwald et al can only be added to punches of the same design as Farmwald et al.

Existing decorative punches come in a variety of designs as discussed in the application for this invention. That variety includes button punches, thumb activated lever punches and plier-like punches. The adjustable apparatus 48

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of Farmwald et al with a nut 45 attached to a threaded central shaft 2 could only be added to punches with such a central shaft with the addition of pins 3 and 13 that would allow such a punch to be disassembled to permit the addition of such adjustable apparatus 48. In addition, with Farmwald et al that central shaft would need to be threaded. None of the current decorative punches have a central shaft separated from the cutting die 30, as is the case with Farmwald. With the disclosures of Farmwald et al, it is not possible to attach such an adjustable apparatus 48 to existing decorative punches whether such an attachment is permanent or temporary.

Claim 1- is rejected as being unpatentable over Gouldsmith, Jr. (2,730,811) in view of Farmwald et al. Applicant respectfully traverses this rejection based on the following discussion.

Regarding claims 1 and 16, Gouldsmith, Jr., discloses an invention in a totally different field of art that is not analogous to the field of punching sheets of material. Gouldsmith, Jr. discloses a center punch, which is used "for indenting work" as detailed in the specification. Center punches are used to form a conical indentation in a material; usually metal, that will be then

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subjected to another operation usually drilling. This center punch indentation prevents the drill bit from shifting or moving as it is brought into contact with the part to be drilled. The use of such center punches is well known in the machining industry, which is in no way related to the use of punches in arts and crafts, which is the field of the invention. The use of Gouldsmith, Jr. is best shown in FIG 2 where the dotted lines show the punching element 66 when it has been activated to create the desired indentation in the material being machined. FIG 2 and FIG 4 further illustrate that in use, there is no slot between 10 and 68 and that the material to be punched is located at surface 16 of base 10. Gouldsmith, Jr. limits the travel of the center punch to only making an indentation in the work piece or material being punched. While Farmwald et al disclose an adjustable apparatus; it would not be obvious to one with ordinary skill in the art to provide such an adjustable apparatus to the tool of Gouldsmith, Jr. since such a feature would not be useful in a center punching application and since the field of Gouldsmith, Jr. is not analogous to the field of actually cutting a pattern from a sheet of material. The tool of Gouldsmith, Jr. has no cutting surfaces, only a conical tip used to form an indentation in the material being processed by the tool of Gouldsmith, Jr.

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Regarding claims 2 and 17, Gouldsmith, Jr. does not disclose a cutting surface of any kind since the tool of Gouldsmith, Jr. does not cut material, it only forms an indentation into the surface of the material.

Regarding claims 5 and 20, Farmwald et al discloses an internally threaded piece of hardware 48 that is used as a stop while the invention uses an externally threaded piece of hardware to act as the stop. In addition, the adjustable apparatus of Farmwald et al is incorporated in the frame (1, 2, 5 6, 10) while the invention incorporates the adjustable apparatus in the housing of the invention. As noted in the discussion above, Farmwald et al does not disclose and could not effectively use a housing around the frame.

Regarding claims 11 and 25, as noted in the discussion above, the invention of Gouldsmith, Jr. is non-analogous art, which does not apply to the invention.

Regarding claims 12 and 26, Farmwald et al does not have any housing disclosed, only the frame (1, 2, 5, 6, 10), which contains as a part of that frame the adjustable apparatus 45.

Regarding claims 13 and 27, Gouldsmith, Jr. uses a hinge to allow for a magnifying lens to be swung into position to aid the operator in aligning the

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center punch. After alignment the punch is swung into place and activated to create the desired indentation. There is not use of a hinged assemble to aid in the release of material since the entire tool of Gouldsmith, Jr. rests on top of the material being processed and there is no possibility of material being caught and needing to be released. Also as discussed above, the teaching of Gouldsmith, Jr. is non-analogous art.

Claims 9 and 23 are rejected under 35 U. S. C. 103(a) as being unpatentable over Farmwald et al as applied to claims 1 and 16 above and further in view of Tanaka (3,472,101). Applicant respectfully traverses this rejection based on the following discussion.

Tanaka discloses a lever 9 that is pivotally connected to the moveable body member 1 by pivot elements 8 and 11 so that the body member 1 can be moved downward when the lever 9 moved downward. As illustrated in FIG 5 of Tanaka pivot element 8 acts as the fulcrum for the lever 9 while pivot element 11 acts with holding arm 10 to shift that holding arm 10 along the arm to maintain the lever in engagement with pivot element 11 so that it will not be displaced outwardly from the moveable body 1. Thus Tanaka has a

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pivoting connection between the moveable body and the lever. The invention has a sliding connection between the moveable cutting die and the lever that is used to actuate the punching action. This can be seen best in Lee (United States Patent 5,749,278) which was included in the original application for the invention. FIG 4 and FIG 5 of Lee show the lever-actuated punch in the upper position (FIG 4) where paper can be loaded into slot 11 and then actuated (FIG 5) where the moveable cutting die 20 has been actuated by lever 30. The section 33 of the lever is in sliding contact with the moveable cutting die. This is necessary because as the lever 30 is actuated, there is a constant radius from the pivot point 31 of the lever 30 to the contact point 33 of the lever 30 on the moveable cutting die 20. As the moveable cutting die 20 moves up and down in a vertical direction, the contact point 33 must move in a horizontal direction to maintain the constant distance between section 31 and 33 of the lever 30. manufactured into the punch. The invention uses this type of sliding connection between the lever and the moveable cutting die along with he adjustable apparatus because it is much less complex and expensive than the pivoting connection of Tanaka. While it may be obvious to one of ordinary skill in the art to replace the pneumatic control of the Farmwald et al device with the pivoting lever

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assembly of Tanaka, this would not be an economic choice for the consumer oriented product of the invention. A sliding contact between lever and moveable cutting die is best and is certainly not obvious in view of Tanaka. The other unique feature of the invention is the unexpected result of adding an adjustable feature to arts and crafts punches. For example, a punch designed, manufactured and used only to punch out a square with the punching starting at the corners of that square can now be used with an adjustable feature to punch out a large variety of sizes of four right angle slits corresponding to the four corners of the originally designed square. The length of the slits can range from very small to almost half the length of one of the sides of the square. The resulting pieces of material can then be folded up, down or in some combination of up and down to form new and unique patterns. The pieces can be folded at any desired angle to the surface of the material being punched creating even more patterns from what was once only a square. This is entirely unexpected from the maker or user of arts and crafts paper punches. In many cases with projects resulting from the use of the invention, it is difficult to determine what the original designed pattern of the punch was from the project that can now be created

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from that punch. The invention still allows for any punch to be used as originally intended, that is to punch out the pattern designed into that punch.

Claims 4, 6-8, 10, 14, 15, 19, 21, 22, 24, 28, 29, 32 and 33 are canceled as a result of the final restriction requirement. Applicant reserves the right to present these claims in a divisional application.

Applicant respectfully suggests that it might be helpful if the Examiner had an opportunity to view some projects produced with the invention along with a working model of the invention. The small size and hand-operated characteristics of the invention make this a very feasible and useful step in the examination process. Please contact the applicant's representative listed below if submission of such material would indeed be useful in promoting a timely review and Notice of Allowance.

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